

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 09-20381

TERRY WISE (D-8),

Honorable Patrick J. Duggan

Defendant.

**ORDER DENYING DEFENDANT'S
MOTION FOR JAIL TIME CREDIT**

On August 12, 2009, Defendant and ten others were charged in a three-count Indictment. Count One charged Defendant with conspiracy to distribute marijuana, and alleged that the conduct took place in 2005 through August 12, 2009. On November 18, 2013, Defendant tendered a plea of guilty to Count One of the Indictment. On June 3, 2014, Defendant was sentenced to one year and one day.

Presently before the Court, is Defendant's motion for jail time credit. In this motion, Defendant asserts that he "was arrested and jailed by state officials, indicted in state court and, subsequently, state charges were dismissed and federal prosecutors indicted the Defendant on identical charges." To his motion, he attaches a "Certificate of Incarceration," which reveals that he was arrested on the state charge on 01/08/2008 and released on 01/10/2008; and he was also arrested on 01/23/2008 and released on 02/22/2008. Defendant claims he was incarcerated for a period of 33 days on these state charges and he believes that

he should get credit on the sentence of one year and one day which was imposed by this Court on June 3, 2014.

The Bureau of Prisons did not give Defendant 33 days credit, and he requests that this Court order the Bureau of Prisons to recalculate his sentence and give him the 33 days credit.

The Court denies Defendant's request because the amount of credit to be given Defendant for the time he served prior to sentence is within the discretion of the Bureau of Prisons. Because the arrests for which Defendant served 33 days were in conjunction with state court charges, the Court does not believe that the Bureau of Prisons abused its discretion in not giving Defendant the 33 days credit he requests. For the reasons set forth above, Defendant's motion for jail time credit is **DENIED**.

SO ORDERED.

s/Patrick J. Duggan
United States District Court Judge

Date: April 28, 2015

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